(B)

10 RS. COURT FEE TEN RUPEES

CANCELLED

BEFORE HON'BLE HIGH COURT OF CHHATTISGARH
JUDICATURE AT BILASPUR

Single Bench

Misc. Appeal No. 452 / 2003

APPELLANTS / APPLICANTS

1. ANADI TARAI, AGED ABOUT 63 YEARS
   S/O LATE SHRI HARIHAR TARAI
2. SMT. SONMANI TARAI, AGED 53 YEARS
   W/O SHRI ANADI TARAI

Both residing at :
Village : Ghadan Giri
G.P.No.2, NOTA
Police Station : Baliabera
Block : Gopiballavpur
Distt. : Midnapur (West Bengal)
Local Address :
M/s. Uttam Construction Company
"SURBHI" H.I.G. 23
Sector 1, Shanker Nagar
RAIPUR 492007 (C.G.)

P. R. No. 1154/03
Presented by Shri Sachin Singh Baghel
dated 24/06/03

VERSUS

RESPONDANTS / NON-APPLICANTS

1. M/S. UTTAM CONSTRUCTION COMPANY
   "SURBHI" H.I.G. 23, SECTOR 1,
   SHANKER NAGAR, RAIPUR (C.G.)
2. THE ORIENTAL INSURANCE COMPANY LTD.
   THROUGH - BRANCH MANAGER
   BRANCH OFFICE : PATTIWAR BUILDING
   M.G.ROAD, CHANDRAPUR 442402

ANADI TARAI

3. THE ORIENTAL INSURANCE COMPANY LTD.
THROUGH - SENIOR DIVISIONAL MANAGER
DIVISIONAL OFFICE, 1st FLOOR,
A.D. COMPLEX, MOUNT ROAD EXTENSION
SADAR - NAGPUR (M.S.)

MEMORANDUM OF APPEAL UNDER SECTION 30 OF THE WORKMEN'S COMPENSATION ACT, 1923.

(16)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(R)

मामला क्रमांक M.A. 452 सन् 2003

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	08/11/2004 :-	

Heard Shri S.S.Rajput, counsel for the appellants and Shri Prashant Jayaswal, counsel for respondent No. 2/Insurance Company.

The grievances of the appellants are that no interest has been paid to the appellant on the awarded amount and further that no amount has been paid for funeral expenses.

The accident took place on 27.03.2003. In the said accident one Prahalad Tarai died. The petition was filed on 27.04.2002 claiming compensation under the Workmen's Compensation Act. The Commissioner for Workmen's Compensation Labour Court, Raipur passed an order dated 22.03.2003 fixing compensation at Rs. 2,92,265/-. As per the award the Commissioner gave a month's time to the respondent/Insurance Company to deposit the amount awarded. Accordingly, the amount awarded was paid on 21.04.2003. Now the grievance of the petitioners is that since the employer did not pay the compensation within a month from the date of the accident i.e. 27.03.2002, it is liable to pay interest for the period beyond that date till the date of payment. The perusal of the records would show that for the said period now under claim no interest has been awarded. Section 4-A(3)(a) clearly stipulates that the employer shall, in addition to the amount of the arrears, pay simple interest thereon at the rate of twelve per cent per annum or at such higher rate not exceeding the maximum of the lending rates of any scheduled bank as may be specified by the Central Government, by notification in the Official Gazette. In other words, the fact that the minimum interest is payable

(17)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.A. 452 सन् 2003

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक व आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	at the rate of 12% In case lending rates of any scheduled banks exceeds 12% per annum, it is open to the Court to fix the higher rate of interest that is over and above 12%. Now though the lending rate of scheduled banks is less than 12% per annum, this Court can very well hold that the appellants are entitled for interest at the rate of 12% which is minimum prescribed under the Act for the period from 24.02.2002 till the date of payment. Accordingly, there will be an order to that effect. So far as funeral expenses are concerned, it could be seen from the award that no amount was granted. The appellant will certainly be entitled to a sum of Rs. 2,500/- towards funeral expenses which shall carry interest at the rate of 12% per annum from 26.04.2002 till the date of payment. The appeal stands allowed. Parties are entitled for certified copy of this order. Sd/- Chief Justice	